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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,700	06/16/2005	Scott E Hall	US020550	6576
24737 7590 10/28/2008 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510				
EXAMINER				
CHIN, RANDALL E				
ART UNIT		PAPER NUMBER		
3723				
MAIL DATE		DELIVERY MODE		
10/28/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/539,700

Applicant(s)

HALL, SCOTT E

Examiner

Randall Chin

Art Unit

3723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF 298)
Paper No(s)/Mail Date 06162005
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

At the outset, please note that pages 14-16 of this Office Action are blank and should simply be ignored.

Information Disclosure Statement

1. Applicant is respectfully requested in providing a copy of foreign cited reference **FR 2169457**.

Specification

2. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

- (l) **SEQUENCE LISTING** (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Content of Specification

- (a) **Title of the Invention**: See 37 CFR 1.72(a) and MPEP § 606. The title of the invention should be placed at the top of the first page of the specification unless the title is provided in an application data sheet. The title of the invention should be brief but technically accurate and descriptive, preferably from two to seven words may not contain more than 500 characters.
- (b) **Cross-References to Related Applications**: See 37 CFR 1.78 and MPEP § 201.11.
- (c) **Statement Regarding Federally Sponsored Research and Development**: See MPEP § 310.
- (d) **The Names Of The Parties To A Joint Research Agreement**: See 37 CFR 1.71(g).
- (e) **Incorporation-By-Reference Of Material Submitted On a Compact Disc**: The specification is required to include an incorporation-by-reference of electronic documents that are to become part of the permanent United States Patent and Trademark Office records in the file of a patent application. See 37 CFR 1.52(e) and MPEP § 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text were permitted as electronic documents on compact discs beginning on September 8, 2000.
- (f) **Background of the Invention**: See MPEP § 608.01(c). The specification should set forth the Background of the Invention in two parts:
- (1) **Field of the Invention**: A statement of the field of art to which the invention pertains. This statement may include a paraphrasing of the applicable U.S. patent classification definitions of the subject matter of the claimed invention. This item may also be titled "Technical Field."
- (2) **Description of the Related Art including information disclosed under 37 CFR 1.97 and 37 CFR 1.98**: A description of the related art

known to the applicant and including, if applicable, references to specific related art and problems involved in the prior art which are solved by the applicant's invention. This item may also be titled "Background Art."

- (g) Brief Summary of the Invention: See MPEP § 608.01(d). A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.
- (h) Brief Description of the Several Views of the Drawing(s): See MPEP § 608.01(f). A reference to and brief description of the drawing(s) as set forth in 37 CFR 1.74.
- (i) Detailed Description of the Invention: See MPEP § 608.01(g). A description of the preferred embodiment(s) of the invention as required in 37 CFR 1.71. The description should be as short and specific as is necessary to describe the invention adequately and accurately. Where elements or groups of elements, compounds, and processes, which are conventional and generally widely known in the field of the invention described and their exact nature or type is not necessary for an understanding and use of the invention by a person skilled in the art, they should not be described in detail. However, where particularly complicated subject matter is involved or where the elements, compounds, or processes may not be commonly or widely known in the field, the specification should refer to another patent or readily available publication which adequately describes the subject matter.
- (j) Claim or Claims: See 37 CFR 1.75 and MPEP § 608.01(m). The claim or claims must commence on separate sheet or electronic page (37 CFR 1.52(b)(3)). Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation. There may be plural indentations to further segregate subcombinations or related steps. See 37 CFR 1.75 and MPEP § 608.01(i)-(p).
- (k) Abstract of the Disclosure: See MPEP § 608.01(f). A brief narrative of the disclosure as a whole in a single paragraph of 150 words or less commencing on a separate sheet following the claims. In an international

application which has entered the national stage (37 CFR 1.491(b)), the applicant need not submit an abstract commencing on a separate sheet if an abstract was published with the international application under PCT Article 21. The abstract that appears on the cover page of the pamphlet published by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) is the abstract that will be used by the USPTO. See MPEP § 1893.03(e).

- (l) Sequence Listing. See 37 CFR 1.821-1.825 and MPEP §§ 2421-2431. The requirement for a sequence listing applies to all sequences disclosed in a given application, whether the sequences are claimed or not. See MPEP § 2421.02.

Drawings

- 3. The drawings are objected to because it is suggested to provide a bracket for Fig. 4 for clarity to incorporate both parts of the figure.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: base part **19** (p. 3, line 10); cup-like portion **78** (p. 6, lines 16, 18, 22); handle portion **79** (p. 6, lines 16, 23, 25); **"A"** direction (p. 7, lines 3-4); **"B"** direction (p. 7, line 5).

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

5. The disclosure is objected to because of the following informalities:

Applicant is respectfully requested in updating U.S Patent Application Serial No. information for 10/137,962, as set forth on p. 3, line 14.

On p. 5, line 32, what does the phrase "...between adjacent receiving elements" mean here?

On p. 6, line 3, should "Figure 3" read --Figure 4-- instead?

Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-9, 15 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The scope of claim 1 is indefinite since the language of the preamble is inconsistent with that recited in the body of the claim. For example, the body of claim 1 recites "said driven member assembly" (lines 4-5), "the workpiece element" (lines 6 and 10), "the appliance" (lines 11 and 12), etc., whereas the preamble doesn't positively recite such elements but only includes them within a functional phrase (i.e., "[A] system for joining..."). Applicant is respectfully requested in also reviewing and amending dependent claims 2-9 on this matter for clarity of scope and consistency. If Applicant intends to positively claim "an appliance body" as well as "a driven member assembly", the claim should be clear as to this.

The same concern arises in independent claim 15 since the preamble is only reciting "[A] brushhead assembly portion...". Therefore, the recitation of "the handle portion" on lines 7 and 11 is inconsistent with the preamble.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Peot 4,777,393 (hereinafter Peot).

As well as claim 1 is understood, the patent to Peot discloses in Figs. 15 and 16 a system for joining an appliance body having a driving assembly therein to a driven member assembly which includes a workpiece element having a torsional axis of movement, comprising a plurality of joining assemblies for removably attaching said driven member assembly to said appliance body, wherein the joining assemblies are each separate from the torsional axis of the workpiece element, wherein the joining assemblies each include a mating member on one of a) the appliance body or b) the driven member assembly at 58, 58 (Fig. 16) and an associated receiving element on the other thereof (not shown but disclosed at col. 7, lines 38-47), wherein the mating members and the receiving elements have such a configuration, respectively, and mate in such a manner that there is "substantially no lost motion" (a broad phrase here) for

the workpiece element during operation of the appliance and such that the driven member assembly is readily removable, if so desired, from the appliance body.

As for claim 2, in Peot, the configuration of the mating members and receiving elements is such that compression forces sufficient to maintain contact therebetween are deemed always present during torque action of a drive shaft on which the workpiece is mounted.

As for claim 3, Peot teaches three spaced joining assemblies 58, 58, 58 (Fig. 16) located around the periphery of the interface between the appliance body and the driven member assembly.

As for claim 4, the mating member of each joining assembly has a non-circular cross-section (at least in side view) and the associated receiving element has a similar non-circular cross-section (also in side view), such that the receiving element and the mating member are capable of mating together.

As for claim 5, the appliance body and the driven member assembly, respectively, include a handle portion and a head portion "of an oral care appliance" (not positively recited nor is there any structure positively recited to set forth such "oral care appliance").

As for claim 6 reciting that the oral care appliance is a power toothbrush, as stated above, claim 1 is merely reciting "[A] system for joining..." and does not positively recite the oral care appliance.

As for claim 7, there are registration elements 50, 52, 134, 136 on the appliance body which mate with the driven member assembly (col. 11, lines 12-14; Figs. 3 and

17), the registration elements producing a proper orientation between the appliance body and the driven member assembly as the appliance body is joined to the driven member assembly.

As for claim 8, the "mating member" (a broad phrase) extends from the appliance body and the receiving element is in the driven member assembly (Figs. 16 and 17).

As for claim 9, the mating members comprise spaced blade elements in the appliance body and the receiving elements comprise spring assemblies which clamp onto the blade elements with a compression force (col. 7, lines 44-47).

10. Claims 10-16 are rejected under 35 U.S.C. 102(b) as being anticipated by McDougall 5,617,601 (hereinafter McDougall).

As for claim 10, the patent to McDougall discloses in Figs. 9 and 10 an oral care appliance 502, comprising an appliance body 506 having a driving assembly therein, a driven member assembly 508 which includes a workpiece element having a torsional axis of movement and wherein the workpiece element includes a brushhead 100, and a coupling structure (Figs. 9B and 10) for joining the appliance body 506 to the driven member assembly 508, the coupling structure including a plurality of joining assemblies for removably attaching the driven member assembly to the appliance body, wherein the joining assemblies are each separate from the torsional axis of the workpiece element, wherein each joining assembly includes a mating member 513 from one of a) the appliance body or b) the driven member assembly and an associated receiving

element 515 in the other thereof, for receiving said mating member, wherein the mating members and the receiving elements have such a configuration, respectively, and mate in such a manner that there is "substantially no lost motion" (a broad phrase here) for the workpiece element during operation of the appliance, and such that the driven member assembly is readily removable from the appliance body (col. 5, lines 26-29).

As for claim 11, there are three spaced joining assemblies arranged around the periphery of the interface between the appliance body and the driven member assembly if joining assembly 512, 518 is included (Fig. 10).

As for claim 12, the mating member 513 of each joining assembly has a non-circular cross-section and the associated receiving element 515 has a similar non-circular cross-section, such that the receiving element and the mating member are capable of mating together (Fig. 10).

As for claim 13, the mating member 513 extends from the appliance body and the receiving element 515 is in the driven member assembly.

As for claim 14, the mating members also include spaced blade elements in the appliance body at grooves/shoulders 510/511 and the receiving elements comprise spring assemblies defined by legs 516 which clamp onto the blade elements with a compressive force (col. 5, lines 17-25).

As for claim 15, McDougall teaches in Figs. 9 and 10 a brushhead assembly portion of "a power toothbrush" (not positively recited) which is joinable to and removable from "a handle portion" (not positively recited) of the toothbrush by a plurality of joining assemblies, the joining assemblies being separate from a torsional axis of

movement of a brushhead workpiece portion 508 of the brushhead assembly 100, comprising a brushhead assembly which includes a brushhead workpiece element, wherein the brushhead assembly includes a plurality of joining members 515 which mate with associated second joining members in "the handle portion" (not positively recited) to form joining assemblies, wherein the first joining members 515 have such a configuration, relative to the configuration of the associated second joining members and mate therewith in such a manner that there is "substantially no lost motion" (a broad phrase here) of the workpiece element during operation of "the toothbrush" (not positively recited) and such that the brushhead assembly is readily removable from "the handle portion" (not positively recited) of "the toothbrush" (not positively recited).

As for claim 16, in McDougall, the configuration of the first joining member and the second joining members are such that compression forces sufficient to maintain contact therebetween are deemed always present during torque action of a drive shaft on which the workpiece portion is mounted.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The reference to Blaustein et al. is pertinent to an oral care appliance with a joining assembly configuration.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randall Chin whose telephone number is (571) 272-1270. The examiner can normally be reached on Monday through Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on (571) 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Randall Chin/
Primary Examiner, Art Unit 3723

